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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,412

07/21/2003

Donte Kim

58255-00005

7256

53123 7590 06/18/2007
SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA, CA 91791

EXAMINER

VIDWAN, JASJIT S

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/624,412</p>	<p>Applicant(s) KIM ET AL.</p>	
	<p>Examiner Jasjit S. Vidwan</p>	<p>Art Unit 2182</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

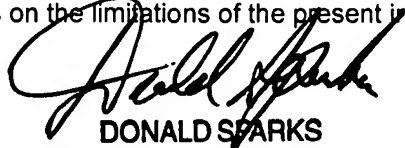
JSV 6/12/07

Continuation of 11: In reply filed on 05/29/07, Applicant argues that prior art of record fails to teach:

- (a) "Merchant or retail store being able to select from a different third party credit card processors"
- (b) "Storing data input filed requirements for a plurality of payment processors, where each of the plurality of payment processors has different data input filed requirements."

With respect to argument (a), **Examiner disagrees** – Applicant argues that "payment processor" as claimed and defined are not different types of credit cards such as Visa, MasterCard, etc. Furthermore, Applicant argues that once the merchant or retail store sets up a third party credit card processor 814 that same processor is used for every credit card transaction. However, it should be noted that the preamble portion that the Applicant is referring to simply states, "...payment processor that interface merchant's credit card processing system with credit card issuing bank..." As per the above definition, Fung provides all limitation of the claimed invention by teaching a payment processor [see Fig. 9, element 816] that interfaces between credit card reader at retail store (merchant) [see Fig. 9, element 812] and credit card bank/financial institution [see Fig. 9, element 820]. At no point in the above Applicant submitted definition of "payment processor" does the Applicant exclude credit cards such as "Visa or MasterCard" processors from being payment processors. Furthermore, Applicant argues that prior art fails to allow the merchant to "select from a different third party credit card processors." It should be noted that at no point in the claim language does the Applicant require the limitation of having the merchant (more importantly the user) picking the payment processor. The claim language reads as "determining a desired payment processor..." wherein it could be reasonably interpreted that the system itself picks the "desired processor" based on which card its processing (i.e. visa, mc...).

With respect to argument (b), **Examiner disagrees** – Fung clearly teaches having a plurality of payment processors (central controllers associated to plurality of cards) and further teaches on **Page 5, Paragraphs 0061 & 0062** that each card require and saves different required input fields and therefore the Examiner believes that the prior art of records still reads on the limitations of the present invention.


DONALD SPARKS
SUPERVISORY PATENT EXAMINER